

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

**LINDA SMEDLEY, ADMINISTRATRIX  
OF THE ESTATE OF EARL ELTON  
SMEDLEY,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 3:06-CV-104  
(Judge Bailey)**

**RUSSELL LYNN BREWER and  
MSM TRUCKING, INC., d/b/a  
WOMCO TRUCKING, and  
WOMCO TRUCKING,**

**Defendants.**

**ORDER GRANTING MOTION TO EXTEND DISCOVERY AND CONTINUE TRIAL**

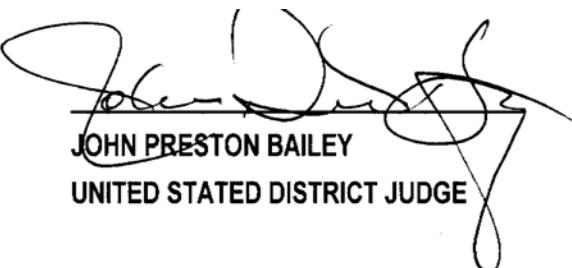
This matter is now before the Court for consideration of the Motion to Extend Discovery and Continue Trial [Doc. No. 122] filed on December 26, 2007. In support of the Motion, counsel for the defendants indicate that the criminal matter has not yet been fully resolved. This Court had previously stayed the deposition of Russell Brewer until after the criminal matter is resolved [Doc. No. 88]. Furthermore, new evidence which may impact defendants' case has recently come to light.

After careful review of the grounds offered in support, the Court finds good cause to grant the Motion. Accordingly, the **Motion for Extension of Time [Doc. No. 122] is GRANTED**, and the **trial and pretrial** are hereby **CONTINUED**. Discovery deadlines are extended by an additional ninety **(90) days**. The Court will hold a status conference on this matter on **February 11, 2008, at 3:00 p.m.**

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the defendant, and all counsel of record.

**DATED:** December 28, 2007.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE